

REMARKS

This Amendment is fully responsive to the non-final Office Action dated June 11, 2009, issued in connection with the above-identified application. Claims 61-71 are pending in the present application. With this Amendment, claims 61, 70 and 71 have been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

In the Office Action, claims 61 has been objected to based on minor informalities. Specifically, the Examiner objects to the limitation “a management request indicating one of a duplication request for duplicating a content and a deletion request for deleting the content.” Specifically, the Examiner objects to the phrase “one of” used in combination with the term “and, ” and instead suggests changing the term “and” to the term “or.” The Applicants have amended independent claim 61, as suggested by the Examiner. Additionally, similar amendments have been made to independent claims 70 and 71. Withdrawal of the objection to claim 61 is now respectfully requested.

In the Office Action, claims 61 and 71 have been rejected under 35 U.S.C. 112, second paragraph, for being indefinite. Specifically, the Examiner indicates that the claims include the limitation “the predetermined value,” which fails to have sufficient antecedent basis. The Applicants have amended independent claims 61 and 71 to replace the phrase “the predetermined value” with the phrase “a predetermined value.” A similar amendment has been made to independent claim 70. Withdrawal of the objection to claims 61 and 71 is respectfully requested.

In the Office Action, claim 61, 62, 70 and 71 have been rejected under 35 U.S.C. 102(e) as being anticipated by Enoki et al. (U.S. Patent No. 5,873,085, hereafter “Enoki”). The Applicants assert that Enoki fails to disclose or suggest at least the features recited in independent claims 61, 70 and 71. For example, independent claim 61 *inter alia* recites the following:

“[a] content duplication management apparatus that manages content duplications performed on an apparatus, comprising:...

said management unit...

(2) when the management request that has been received first is the duplication

request and

(i) if the number indicated by the duplication restriction information is greater than the predetermined value, duplicates the content for the apparatus, and subtracts the predetermined value from the number indicated by the duplication restriction information,

(ii) if the number indicated by the duplication restriction information is less than the predetermined value, rejects the duplication request, and

(iii) if the number indicated by the duplication restriction information is less than the predetermined value and the deletion request exists subsequent to the duplication request, executes, on an exceptional basis, the deletion request prior to the duplication request, and adds the predetermined value to the number indicated by the duplication restriction information.”

The features noted above in independent claim 61 are similarly recited in independent claims 70 and 71. Additionally, the features noted above in independent claim 61 (and similarly recited in independent claims 70 and 71) are fully supported by the Applicants’ disclosure.

The present invention (as recited in independent claims 61, 70 and 71) is distinguishable from the cited prior art in that the management unit, when the management request that has been received first among the management requests that have not been executed is the duplication request and (i) if the number indicated by the duplication restriction information is greater than the predetermined value, duplicates the content for the apparatus, and subtracts the predetermined value from the number indicated by the duplication restriction information, (ii) if the number indicated by the duplication restriction information is less than the predetermined value, rejects the duplication request, and (iii) if the number indicated by the duplication restriction information is less than the predetermined value and the deletion request exists subsequent to the duplication request, executes, on an exceptional basis, the deletion request prior to the duplication request, and adds the predetermined value to the number indicated by the duplication restriction information.

The present invention (as recited in independent claims 61, 70 and 71) achieves an advantageous effect of enabling content duplication even in a case where the number of duplication requests for the content is equal to or greater than the predetermined value, if the deletion request exists subsequent to the duplication request. That is, the present invention (as

recited in independent claims 61, 70 and 71) enables content duplication by executing the deletion request prior to the duplication request and reducing the number of times content has been duplicated.

As noted above, the Examiner relies on Enoki for disclosing or suggesting the above features of independent claim 61 (and similarly recited in independent claims 70 and 71). However, the Applicants respectfully disagree with the Examiner's interpretation of Enoki.

Specifically, in Enoki, the system receives requests for processing (e.g., a duplication request for a file), counts the number of requests that have been received, and stores the number of requests in the file access table 3106. The file access table 3106 is used to store, at a predetermined time interval, the number of requests for processing (e.g., duplication) that have been received during the predetermined time interval. When the number of requests received during the predetermined time interval is decreased, real data distributed to a plurality of servers is deleted thereby achieving effective utilization of storage space. As shown in Fig. 38C of Enoki, the file access table 3106 is initialized to zero at the predetermined time interval (step S304).

Enoki is completely different from the present invention (as recited in independent claims 61, 70 and 71) at least with respect to the management of the number of requests that have been received.

While the system in Enoki initializes the number of requests that have been received at the predetermined time interval, the present invention (as recited in independent claims 61, 70 and 71) subtracts the predetermined value from the number indicated by the duplication restriction information each time processing (e.g., duplication) has actually been performed in response to a request for processing (e.g., duplication). Thus, Enoki fails to disclose or suggest the advantageous effect that even if the number of duplication requests for the content is greater than the predetermined value, the duplication of the content is enabled by (if the deletion request exists subsequent to the duplication request), executing (on an exceptional basis) the deletion request prior to the duplication request, and increasing the number of permitted content duplications.

Therefore, the advantages of the present invention cannot be achieved by the system in

Enoki, which "initializes the number of requests that have been received at the predetermined interval. For example, assume that the number of permitted duplications is initialized to zero at a predetermined interval, as seen in Enoki, when managing a content that has a restriction on the number of permitted duplications. In this case, there is a risk that the content is duplicated beyond the permitted number. In order to avoid this problem, the present invention (as recited in independent claims 61, 70 and 71) strictly manages the number of permitted duplications regardless of elapsed time.

For at least the reasons noted above, Enoki fails to anticipate or render obvious independent claims 61, 70 and 71. Likewise, Enoki fails to anticipate or render obvious claim 62 at least by virtue of its dependency from independent claim 61.

In the Office Action, claims 63-65, 68 and 69 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Enoki in view of Narin et al. (U.S. Publication No. 2004/0158709, hereafter "Narin"); and claims 66 and 67 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Enoki in view of Narin, and further in view of Ganesan (U.S. Publication No. 2002/0019814, hereafter "Ganesan").

Claims 63-69 depend from independent claim 61. As noted above, Enoki fails to disclose or suggest all the features recited in independent claim 61. Moreover, Narin and Ganesan fail to overcome the deficiencies noted above in Enoki. Also, with regard to Narin, the Applicants note that the reference has a U.S. filing date of February 11, 2003, which is after the Applicants' foreign priority date of August 28, 2002. Therefore, Narin should be removed as prior art based on the Applicants' foreign priority. Regardless, no combination of Enoki with Narin or Ganesan would result in, or otherwise render obvious, claims 63-69 at least by virtue of their dependencies from independent claim 1.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue.

The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

Hiroki YAMAUCHI et al.

/Mark D. Pratt/

By: 2009.09.11 13:23:56 -04'00'

Mark D. Pratt

Registration No. 45,794

Attorney for Applicants

MDP/ats

Washington, D.C. 20006-1021

Telephone (202) 721-8200

Facsimile (202) 721-8250

September 11, 2009